

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF PUERTO RICO

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5
6 UNITED STATES OF AMERICA /

7 VS. / CR. 13-888 (ADC)

8 CARLOS CARRERO RAMOS /

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13 SENTENCING HEARING

14 Was held before the HONORABLE AIDA M. DELGADO COLON on
15 Friday, August 21, 2015.

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19 FOR THE GOVERNMENT:

20 JOHN MATHEWS, AUSA

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22 FOR THE DEFENDANT:

23 LARA CASTRO WARD, ESQ.
24
25

1 THE CLERK: 13- 888 United States of America
2 versus Carlos Carrero Ramos. Appearing on behalf of the
3 government John Mathews, and for the defendant, Lara
4 Castro. The defendant is present and being assisted by
5 the court interpreter. Case called for sentencing.

6 THE COURT: I have the plea agreement at Docket
7 599. I have Docket 874 a Sentencing Memorandum by the
8 defense which is noted. And the Motion to Restrict that
9 is granted. And I have the addendum to the presentence
10 report at Docket 844 which points out that originally
11 there were objections that were made to the Probation
12 Officer. Some of those mentioned objections were
13 considered by the Probation Officer and others remain
14 there. Actually I have here the presentence report at
15 Docket 843 and I have a motion entitled Objections to
16 the Presentence Report filed at Docket 842 that I would
17 like to commence by discussing those.

18 First of all attorney Castro, I take it that you
19 discussed the presentence reports with your client.

20 MS. CASTRO: Yes, I did, Your Honor.

21 THE COURT: In terms of the objections we have at
22 Docket 842. You are basically objecting to the role of
23 this defendant in the indictment as he was only
24 described as a seller, leader and drug processor within
25 the conspiracy within the indictment, and what you are

1 objecting to is the description of the role as an
2 enforcer by the Probation Officer. Is that correct?

3 MS. CASTRO: That is correct, Your Honor. I
4 would like to emphasize though that I just spoke to the
5 Probation Officer and although there was no other
6 language of his description in the other roles, I did
7 realize when I spoke to her that within the paragraph
8 where he is mentioned, all those roles at the end of the
9 paragraph were included. So in fact what she did was,
10 that although he was not named in each one of the roles
11 individually, what she did was that she used that last
12 sentence to describe what his roles were.

13 THE COURT: What you are saying is that what the
14 Probation Officer did was to transpire the last sentence
15 within the indictment into the presentence report.

16 MS. CASTRO: That is correct, Your Honor. So at
17 this time we will not focus on that objection and we
18 would just like to continue with the allocution.

19 THE COURT: Okay. I take it that you are
20 withdrawing that one.

21 MS. CASTRO: Yes, Your Honor.

22 THE COURT: So. Do you have any other objections?

23 MS. CASTRO: No, we agree with the calculations
24 and have no other objections.

25 THE COURT: I will hear from you then.

1 MS. CASTRO: Your Honor, I would like to focus
2 on all of the good characteristics of Mr. Carrero. He
3 is a young man, 29 years old, never been arrested
4 before. He is a first time offender, Your Honor. He
5 actually had a good career. He had a barber shop within
6 his residence, he is a lifelong resident of Anasco,
7 Francisco Public Housing project is where his family all
8 resides as you can see in the last row all of them are
9 there. He has so much support from his family. A lot
10 of love from his wife who he has been with in a marriage
11 for 13 years, Your Honor. They have been together in a
12 stable relationship. He cares for her. She is a
13 patient of many medical conditions. She has
14 hypertension, ulcers, diabetes, and he is the one that
15 cares for her. He takes her to all the doctor
16 appointments, cleans her ulcers. I personally spoke to
17 her and the love and support that he gives her is
18 unconditional.

19 Your Honor, as a father he has been excellent not
20 only to the three children that she had from another
21 relationship. He has been a father to all three of
22 those but also he appropriated a fourth child with her ,
23 Your Honor, so in essence he is the father of four
24 children. As a barber who had a barbershop in the
25 residence, he would provide economically for his family.

1 He never demonstrated in any way that there was any
2 great benefit from the small or short time that he sold
3 drugs. In fact he owns a 1982 Corolla, his house, and I
4 have included pictures within the private investigators
5 report, is extremely low income. There was never any
6 great economic benefit from the time that he sold drugs.
7 But all the good characteristics that he has, they
8 really demonstrate that for most of his life he made so
9 many right choices, Your Honor.

10 Although he didn't finish high school, because
11 what he did was that he moved in with his wife and began
12 to provide for her, he has a great desire to finish his
13 GED and in fact while he has been in prison he has had
14 excellent conduct. He has been working 200 hours a week
15 in the food service department. All of the
16 characteristics described in the report by the BOP is
17 that he is excellent, responsible and hard working.
18 These were the characteristics that he also demonstrated
19 throughout his life when he was living in Anasco. He
20 was a barber that would wake up early from 8:00 a.m. to
21 11 p.m.. He had all sorts of a people around Anasco
22 that would come to his barbershop that he would cut
23 their hair, for judges, for people that were
24 professionals, Your Honor.

25 He was very good with children, he was a baseball

1 coach.

2 THE COURT: I am sorry to interrupt you, he said
3 that he works 200 hours per week?

4 MS. CASTRO: I'm sorry, that must have been a
5 month. That is my mistake then. But what I want to
6 let you know is that he has been using his time wisely.
7 He is a person that has continued to take courses, Your
8 Honor. He took a nutrition in sport course, how to
9 maintain your health while he has been in the BOP.

10 As I was saying in his own community he was
11 working with the community as a baseball coach. He
12 would work with kids because he was an avid baseball
13 player through all of his life. He won trophies and
14 would compete in different baseball games, Your Honor.
15 I believe I included that in one of my reports a picture
16 of his trophies.

17 Your Honor, this is a humble hard working man
18 that for one year out of his own admission he began to
19 sell drugs. It was always my argument that it was more
20 then 1,000 feet from the Anasco area, because where he
21 sold from was his residence, or around the residence.
22 The way that he was in any way in contact with the
23 leaders within the public housing, was because he knew
24 them his whole life, because they all grew up together
25 in the same public housing.

1 THE COURT: I imagine that he got his supply from
2 somewhere, either delivered or going to the drug point
3 to get it.

4 MS. CASTRO: I believe those were the connections
5 that he had within the public housing project drug
6 point. But the reality was that he has denied being
7 involved in any violent activities. He also denies in
8 any way possessing a firearm or participating in the
9 violent acts that any of the other leaders allegedly
10 participated in.

11 So what he did accept to me was that the year
12 that he decided to sell drugs he also become a cocaine
13 user. He became addicted to the drug. In many ways
14 this clouded his judgment from being somebody that had
15 always been hard working, in a stable relationship,
16 working with the children in the community, definitely
17 his addiction affected his values and morals and he
18 began to sell drugs on the side, to help I suppose with
19 the money situation in the home, because there was not a
20 lot of money anyway, Your Honor. But he expressed
21 extreme remorse to me, because the most important thing
22 for him was, the most important thing is his family. He
23 spoke to me about how much he misses his children, how
24 much he misses his father and his wife, and all he wants
25 to do is return home to be with them.

1 This is a person, Your Honor, you just spoke
2 before about Carlos Amaury, and about the rehabilitation
3 is so important. This is somebody who has a great
4 chance of being rehabilitated. Why? Because before
5 this indictment he never been arrested or involved in
6 any type of criminal activity. Because he has a skill
7 of being a barber. He will be able to come out on the
8 street and work and make a legitimate income. Because
9 he has family support he will have somebody that will
10 give him all of the tools that he needs to reintegrate
11 into society and be successful. Because he is
12 repentant. How has demonstrated that, Your Honor, for
13 his outstanding conduct within the BOP. He has never
14 had a chat, never been as we say in the hole or has been
15 found with any type of contraband. Quite the contrary,
16 he has exemplary in his attitude, his actions and his
17 role working in the food service department. In the
18 description from his counselor and the neighbors and
19 letters that I received from the community, all describe
20 him in the same manner, as a hard working man who is
21 responsible and very family oriented.

22 So, I believe this is the person that the law is
23 speaking about trying to release beforehand when we look
24 at the 782 amendment of reducing the time for first time
25 offenders or non-violent offenders, he is absolutely one

1 of these people that will come out into the society be
2 successful and learn from this mistake, Your Honor.

3 So, I want to plead with you that same mercy that
4 you have had with Amaury that you consider my client as
5 also a perfect candidate to get the minimum mandatory
6 sentence, Your Honor. That you evaluate all of the
7 positive characteristics that he has and consider that
8 within this indictment, besides cooperators that may
9 have said one thing or the other, the only real evidence
10 that linked him was a sale that he did of 2.4 grams of
11 cocaine, which was done to an undercover agent outside
12 of the public housing. It was always our arguments with
13 the government that perhaps his participation had been
14 in some way exaggerated, because of his own admissions
15 to me.

16 THE COURT: Counsel, you are walking a thin line
17 with a couple of things that you are denying here that
18 do not go along with the plea agreement. One is
19 argument and the other thing is caution not to cross the
20 line.

21 MS. CASTRO: All I want you to know is that my
22 client is extremely remorseful for his participation in
23 the indictment and we are requesting the lower end of
24 the guidelines. That you please consider the reasons
25 why he got involved and the short period of time that

1 his participation was, and all of the characteristics
2 that identify him as the perfect person for
3 rehabilitation.

4 THE COURT: Very well, thank you. Mr. Carrero do
5 you remember having discussed the presentence report
6 with your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that the
9 information within that report is correct?

10 THE DEFENDANT: Yes.

11 THE COURT: Right now, is there anything else that
12 you would like to state and that you would like to point
13 out and that I should know before deciding what your
14 sentence will be?

15 THE DEFENDANT: First of all good afternoon to
16 everyone. I would like to apologize to the Court, I
17 would like to know if I can address my family so that I
18 can speak to them?

19 THE COURT: Can you do so.

20 THE DEFENDANT: To my family here. You are the
21 best parents in the world. The path that I took in life
22 is not the path that you taught me. I ask for their
23 forgiveness for making them suffer. I love all of you
24 and soon in the name of God we will all be together.
25 That will be all. And thank you very much for allowing

1 me to speak my mind.

2 THE COURT: I will hear from the government.

3 AUSA MATHEWS: The government also stands by the
4 plea agreement. The similar caveat that the government
5 recognizes that the applicable guideline sentencing
6 range in this case, after the 782 amendment, based on
7 the total offense level of 33 and Criminal History of 1,
8 which results in a guideline sentencing range of 135 to
9 168 months. Therefore the government is withdrawing the
10 sentencing recommendation previously submitted. Based
11 on that as to the history and characteristics of this
12 defendant, the United States recognizes this defendant
13 accepted responsibility for his role as a leader, and
14 the conspiracy directly controlling, supervising drug
15 trafficking activities.

16 In addition this defendant, in addition to
17 accepting responsibility, this defendant demonstrated
18 humility. Prior to being involved in these activities
19 we recognize that he was a supportive husband and all
20 indications is that he participated with the family and
21 helped to raise his child as well as his wife's
22 children. He has work history.

23 In addition to that, the United States finds it
24 significant that he has no Criminal History, and submits
25 that a sentence of 135 months would be sufficient but

1 not greater than necessary in this particular case.

2 Thank you, Your Honor.

3 THE COURT: Do you have any evidence of violent
4 actions?

5 AUSA MATHEWS: The government does not have
6 evidence of violent actions. Counsel noted that there
7 were some witnesses that would have testified as to
8 certain actions but based on our agreements and
9 discussions the United States does not believe there is
10 any actions of violence or cause of bodily harm in this
11 case.

12 THE COURT: Very well. On September 18, 2014 the
13 defendant, pled guilty to Count 1 of the indictment in
14 this Criminal case 13-888, charging a violation of Title
15 21 sections 841(a)(1) 846 and 860, conspiracy to possess
16 with intent to distribute at least 5 kilograms but less
17 than 15 kilograms of cocaine within 1,000 feet of a
18 protected location, that is the Francisco Figueroa
19 Public Housing project located in Anasco, a class A
20 felony.

21 The November 1, 2014 edition of the Sentencing
22 Guidelines manual has been used to calculate the
23 guideline adjustments pursuant to the provisions of
24 guideline section 1B1.11(a). According to section
25 2D1.2(a)(1), the base offense level is 2 plus the

1 offense level from section 2D1.1 based on the stipulated
2 drug amount of at least 5 kilograms but less than 15
3 kilograms of cocaine as per the provisions of the
4 guideline section, the offense level is 30. As such the
5 total base offense level is 32.

6 Because Mr. Carrero was the leader in the drug
7 trafficking organization, actually charged as defendant
8 number 4, a four level increase is applied as per
9 guideline section 2B1.1(a).

10 Since the defendant accepted responsibilities for
11 his involvement in this offense the base offense level
12 is reduced by 3 levels pursuant to guideline section
13 3E1.1(a) & (b). There are no other applicable guideline
14 adjustments.

15 Based on a total offense level of 33 and a
16 Criminal History Category of 1 the guideline
17 imprisonment range for this offense is from 135 to 168
18 months, and there is a fine range of \$17,500.00 to 20
19 million dollars plus a supervised release term of ten
20 years.

21 The Court has reviewed the guideline calculations
22 and finds that the Presentence Report has adequately
23 applied the guideline computations which in turn reflect
24 the components of this offense by considering its nature
25 and circumstances.

1 The Court has also considered the 3553 factors,
2 among these that the defendant is 29 years of age, has
3 an 11th grade education. Prior to the arrest in this
4 case he was employed as a barber for 11 years, he is the
5 father of an 11 year old child. No major physical or
6 mental health problems. He is a first time offender and
7 has a verified prior drug use of cocaine. Reason for
8 which he will need treatment.

9 In this particular case Mr. Carrero is described
10 and as stipulated within the plea agreement, described
11 as a leader, directly controlling and supervising the
12 drug trafficking activities at the drug point located at
13 the public housing project. In particular the Manuco
14 Ward in Anasco. During the span of the conspiracy he
15 purchased multi-kilo quantities of narcotics and oversaw
16 the transportation by the subordinates, those being the
17 runners and sellers and any other supervisors in the
18 area within the public housing project.

19 Originally in the presentence report the parties
20 had agreed to recommend to the Court a sentence of 151
21 months. However after the amendments of the guidelines
22 now the resulting guideline range is lower and the
23 government today has modified its recommendation to that
24 of 135 months.

25 In imposing a sentence not harsher than

1 necessary, the Court finds that the sentence at the
2 lower end of the guideline range will be sufficient,
3 taking into consideration different then in the case of
4 other defendants, that in this particular case this
5 defendant has no prior record. There is no evidence
6 that he participated in violent actions and is not
7 related to the weapon possession and he didn't get that
8 adjustment either.

9 Accordingly it is the judgment of this Court that
10 Mr. Carlos Carrero is committed to the custody of the
11 Bureau of Prisons to be imprisoned for a term of 135
12 months.

13 The Bureau of Prisons is recommended to afford
14 this defendant drug rehabilitation treatment and
15 vocational training.

16 Upon release from confinement the defendant shall
17 be placed on supervised release for a temple of ten
18 years to be served under the following terms and
19 conditions:

20 The defendant shall not commit another Federal,
21 State or local crime and observe the standard conditions
22 of supervised release recommended by the sentencing
23 commission and adopted by the Court.

24 The defendant shall not unlawfully possess a
25 controlled substance and refrain from possessing

1 firearms, destructive devices and other dangerous
2 weapons.

3 The defendant shall refrain from the unlawful use
4 of controlled substances and submit to a drug test
5 within fifteen days of release, thereafter submit to
6 random drug testing no less than three samples during
7 the supervision period and not to exceed 104 samples per
8 year in accordance with the drug after care program
9 policy of the probation office approved by the Court.

10 If any such samples detect substance abuse the defendant
11 shall participate in an in-patient or out-patient
12 substance abuse treatment program for evaluation and or
13 treatment as arranged by the Probation Officer until
14 duly discharged. The defendant is required to
15 contribute to the cost of services rendered in an amount
16 arranged by the Probation Officer based on the ability
17 to pay or availability of third party payments.

18 The defendant shall participate in a vocational
19 training and or job placement program recommended by the
20 Probation Officer.

21 The defendant shall submit to a search of his
22 person, property, house, residence, vehicles, papers,
23 computers, other electronic communication or data
24 storage device or media and effects to a search at any
25 time with or without a warrant by the Probation Officer

1 and if necessary with the assistance of any other law
2 enforcement officer, if there is reasonable suspicion
3 concerning unlawful conduct or a violation of a
4 condition of probation or supervised release.

5 The Probation Officer shall seize any electronic
6 device which will be subject to further forensic
7 investigation or analysis. Failure to submit to search
8 may be grounds for revocation of supervised release.

9 The defendant shall warn any other residents or
10 occupants that the residence may be subject to search
11 pursuant to this condition.

12 The defendant shall perform 200 hours of unpaid
13 community service work during the supervision period at
14 a private, nonprofit or public facility to be selected
15 and under such arrangement as the Probation Officer of
16 the Court may determine.

17 The defendant shall provide the Probation Officer
18 access to any financial information upon request.

19 The defendant shall assist in the collection of a
20 DNA sample as directed by the Probation Officer pursuant
21 to the revised DNA collection requirements and Title 18
22 section 3563(a)(9).

23 Having considered the defendants financial
24 condition a fine is not imposed. A special monetary
25 assessment fee in the amount \$100.00 is imposed as

1 required by law.

2 The defendant has been sentenced under the terms
3 and conditions more favorable then the ones applicable
4 in the guidelines and it should be noted that even
5 though separate guidelines or different guidelines apply
6 at this stage, still the stipulation for 151 months that
7 was originally agreed in the presentence was a sentence
8 perfectly capable of being imposed and was within the
9 guideline range, still the government chose to recommend
10 a more favorable sentence.

11 So, Mr. Carrero, I adopted that recommendation, I
12 hope that you realize that you have received an
13 opportunity here basically counting on the fact that
14 because you have a supportive family, that you will be
15 able to restructure your wrong doing and path. However
16 we are talking about several years of illegal conduct,
17 years in which you were distributing drugs left and
18 right without qualms. Let me ask you, who are the
19 minors sitting in the last row along with your
20 relatives?

21 THE DEFENDANT: My niece, my son is there, the
22 two bigger girls that I raised, my wife is there, my
23 mother and father and my brother-in-law.

24 THE COURT: As you said your mother and father
25 didn't teach you to do this. They are law abiding

1 persons who have worked hard, everything they have they
2 have gained by work hard, correct?

3 THE DEFENDANT: Yes.

4 THE COURT: And you have your wife that basically
5 was counting on you for support to the family and having
6 you next to her to raise your children, and look what
7 you have done. The reason I ask you to tell me who the
8 minors are, is because you know what? You are going
9 away for ten years, what if someone, maybe a neighbor of
10 yours, maybe the person that is going to substitute you
11 at the drug point, turns around and next week is selling
12 drugs to your son, or selling drugs to your niece, is
13 that okay?

14 THE DEFENDANT: No.

15 THE COURT: If it is not good for you, it is not
16 good for anyone else, and that is what you were doing.
17 You should be ashamed because you had no reason. You are
18 a healthy person, a healthy man, you are strong, you
19 could work, you could work hard day and night. But you
20 chose the easy path, great, selling drugs. And then it
21 is bad if someone else sells drugs to your son or your
22 daughter. But you have heard that phrase that what goes
23 around comes around, and one of these days someone may
24 be offering drugs to your children. So can you come
25 then complain?

1 THE DEFENDANT: No.

2 THE COURT: Did you ever think that you were
3 selling drugs to the sons of other individuals, probably
4 the parents of other kids that were seeing that, the
5 father or mother getting back home under the effects of
6 narcotics. Then you come here and beg and then you come
7 here and cry. You know what? I should not consider any
8 of that. I am telling you this after the sentence
9 because all of that was considered. Not just because
10 the law tells me that I have to. I did. But do you
11 think that you have a right to come here and say that?

12 THE DEFENDANT: No.

13 THE COURT: Tell me, what reason in the world you
14 had to do this? And your attorney talked here for
15 minutes and minutes, about how you didn't take much
16 profit to take home. You know what? Selling drugs is a
17 harm to society and it so happens that people that sell
18 drugs usually live in the same condition, because you
19 waste it the same way that you gain it. That is not a
20 mitigating factor, that is on top of the illegal
21 actions, mismanagement, and still that is what you come
22 here and claim.

23 Then you ask me to consider the fact that you
24 have young children. If you don't consider it, I should
25 not have to consider it. Keep that in mind, if there is

1 a next time that you come back I don't want to hear you
2 crying. I don't want to hear you begging because you
3 are the only person responsible for that. Do you
4 understand that?

5 THE DEFENDANT: Yes, I understand.

6 THE COURT: In case that you find a fundamental
7 defect in the sentence imposed, although I think that
8 you waived your right to appeal, you do have fourteen
9 days from the entry of judgment to file your notice of
10 appeal.

11 MS. CASTRO: Your Honor, could I request some
12 additional things? First of all I know that you can't
13 order but could you recommend that my client either go
14 either to Pensacola or Coleman or any prison in the
15 Florida State so that the family can visit?

16 THE COURT: Recommendation so issued.

17 MS. CASTRO: And as well that if he will be able
18 to qualify for the drug program, also take his GED and
19 any other vocational courses.

20 THE COURT: Vocational courses I recommended,
21 opportunity to complete his GED is to be included. And
22 the drug rehabilitation program as well.

23 MS. CASTRO: Thank you.

24 AUSA MATHEWS: Your Honor, the United States
25 moves for the dismissal of the remaining counts.

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THE COURT: So ordered. You are excused.

1 REPORTER'S CERTIFICATE

2 I, DIANE BREAZ, RPR and Official Court Reporter
3 for the U.S. District Court for the District of Puerto
4 Rico.

5 DO HEREBY CERTIFY that the foregoing transcript
6 is a full, true and correct record of the proceedings
7 taken down by me and later transcribed.

8 I FURTHER CERTIFY that I am in no way interested
9 in the outcome of the case.

10

11 S/ DIANE BREAZ

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